

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

REYNALDO UBALLE, JR., and EL
TORRO INVESTMENTS LLC,

Plaintiffs,

V.

APRIL LIEBERMAN,

Defendant.

Case No. 1:23-mc-00003-JDB

ORDER GRANTING MOTION FOR STAY

Before the Court is the August 31, 2023, motion of Defendant, April Lieberman, for a stay of the writs of execution to enforce a foreign judgment previously issued by this Court.¹ (Docket Entry (“D.E.”) 32.) For the following reasons, Defendant’s motion is GRANTED.

On August 31, 2023, Lieberman deposited \$115,865.43 with this Court (D.E. 32-6) as surety to satisfy the judgment against her for \$114,788.61, entered by the United States District Court for the Northern District of Georgia (“Georgia Court”). (D.E. 1-1.) It appears, therefore, that Defendant has posted sufficient funds as a bond to be entitled to a stay awaiting adjudication of her motion to vacate the default judgment against her that is presently pending before the Georgia Court.² To the extent that the deposited funds are insufficient to cover any post-judgment interest, the Court waives Defendant’s noncompliance. *See Allied Erecting & Dismantling Co. v. U.S. Steel Corp.*, No. 4:12-cv-1390, 2016 WL 1106854, at *14 (N.D. Ohio Mar. 21, 2016) (noting

¹ Defendant submitted an email to the Court with the subject line, in relevant part, “Emergency Motion for Reconsideration of Stay,” that the Court construes as a motion for a stay. (D.E. 32) (emphasis omitted).

² For the requirements to procure a stay under Rule 62(b), see this Court’s August 30, 2023, order. (D.E. 31.)

that the court may grant a stay on terms other than a full supersedeas bond).

Accordingly, Lieberman's motion for a stay is GRANTED.³ Enforcement of the previously issued writs of execution is STAYED pending further order. The parties are DIRECTED to notify this Court within fourteen days of the disposition of Lieberman's pending motion to vacate in the Georgia Court.

IT IS SO ORDERED this 31st day of August 2023.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

³ A stay supported by surety sufficient to satisfy a judgment protects the interests of both parties. For the party against whom the judgment has been entered, a stay preserves the status quo and prevents them from possibly being unable to collect restitution if the judgment is reversed. Meanwhile, for the party for whom the judgment has been entered, a stay supported by appropriate funds as security ensures the judgment will not be uncollectable. *See Allied Erecting & Dismantling Co.*, 2016 WL 1106854, at *14 (quoting *Physicians Ins. Cap., LLC v. Praesidium All. Grp., LLC*, No. 4:12CV1789, 2013 WL 5232817, at *2 (N.D. Ohio Sept. 16, 2013); *see also Hamlin v. Charter Twp. of Flint*, 181 F.R.D. 348, 350–51 (E.D. Mich. 1998).